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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,189	10/16/2003	Nagarajan Subramaniyan	ATEC-P011/SNG-031A	7571
32986	7590	10/05/2006	EXAMINER	
IPSG, P.C. P.O. BOX 700640 SAN JOSE, CA 95170-0640			SERRAO, RANODHI N	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/687,189	SUBRAMANIYAN, NAGARAJAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ranodhi Serrao	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/21/2006</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 and 6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Vangal et al. (2004/0193733).
3. As per claim 1, Vangal et al. teaches a method for optimizing a network connection between a first device and a second device (¶ 23), said first device comprising a first packet protocol and a second packet protocol (¶ 21), said first packet protocol comprising a connection setup portion, said second protocol comprising a data transfer portion (¶ 7), comprising: initiating said network connection from said first device to set second device using said first packet protocol (¶ 27); receiving an acknowledgement from said second device (¶ 43); and, initiating a data transfer between said first device and said second using said second packet protocol (¶ 44).
4. As per claim 2, Vangal et al. teaches a method, wherein said first packet protocol comprises a transport protocol (¶ 21).
5. As per claim 3, Vangal et al. teaches a method, wherein said first packet protocol comprises TCP (¶ 43).

6. As per claim 4, Vangal et al. teaches a method, wherein said first packet protocol comprises a transport protocol other than TCP (§ 21).
7. As per claim 6, Vangal et al. teaches a method, wherein said second packet protocol comprises a transport protocol (claim 30).
8. As per claim 7, Vangal et al. teaches a method, wherein said second packet protocol comprises TCP (claim 30).
9. As per claim 8, Vangal et al. teaches a method, wherein said second packet protocol comprises a transport protocol other than TCP (§ 21).
10. As per claim 9, Vangal et al. teaches a method, wherein said first device comprises an integrated circuit, said integrated circuit comprises said second packet protocol (§ 24).
11. As per claim 10, Vangal et al. teaches a method, wherein said first device comprises a computer component card, said computer component card comprises said integrated circuit (§ 23-24).
12. As per claim 11, Vangal et al. teaches a method, wherein said computer component card is a PCI card (§ 23-24).
13. As per claim 12, Vangal et al. teaches a method, wherein said computer component card is a PCI-X card (§ 23-24).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vangal et al. as applied to claim 1 above, and further in view of Hayes (2003/0158906). Vangal et al. teaches the mentioned limitations of claim 1 above but fails to teach a method, wherein said first device comprises an operating system, said operating system comprises said first packet protocol. However, Hayes teaches a method, wherein said first device comprises an operating system, said operating system comprises said first packet protocol (see Hayes, ¶ 98). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Vangal et al. to a method, wherein said first device comprises an operating system, said operating system comprises said first packet protocol in order to enable a host (12) to offload the most computationally intensive, memory bandwidth intensive and performance critical portions of the protocol processing task to an auxiliary processor (132) without requiring the auxiliary processor (132) to perform the full suite of functions necessary to perform a complete protocol processing offload (see Hayes, abstract).

16. Claims 13-24 have similar limitations as to claims 1-12, therefore, they are being rejected under the same rationale.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references are:

- Richter (2003/0099254) teaches systems and methods for interfacing asynchronous and non-asynchronous data media
- Witkowski et al. (2003/0202520) teaches scalable switch fabric system and apparatus for computer networks
- Boyd et al. (2004/0049774) teaches remote direct memory access enabled network interface controller switchover and switchback support
- Bunton (7,010,607) teaches method for training a communication link between ports to correct for errors


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571) 272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER